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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,541	07/16/2004	Helmut Kahl	KAHL6	4483
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EXAMINER				
CHAPMAN, JEANETTE E				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,541

Applicant(s)

KAHL, HELMUT

Examiner

Jeanette E. Chapman

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahl (6459718)(PCT Publication date May 25,2000) in view of Trousilek (5311718) and Dohery et al (6658808).

Kahl discloses protective wall for shielding against laser beams. The protective wall contains light alloy shaped sections, W1-W6; S1-S2, which are rectangular and incorporated chambers formed by interior walls W3 and W4 and profiling formed on S1 and S2. The light alloy shaped sections are lined up and connected side wall to side wall in an individual removable manner to form wall shown in figure 4 but not in such a way that the profiling on a side of the wall is implemented step-like from a front wall to a back wall.

Dohery et al discloses a building module which may be constructed of a lightweight aluminum. The module includes sections are lined up and connected side wall to side wall in an individual removable manner to form wall shown in figure 5 in such a way that the profiling on a side of the wall is implemented steplike from a front wall to a back wall. It would have been obvious to one of ordinary skill in the art to

construct the panels of the materials of Doherty to employ a strong but light weight material

Kahl shows undercut grooves disposed centrally on the side wall and their widths are suitable for multilayered laser protective wall plates K. The undercut grooves N on the front extend closely adjacent to those on the sides and they receive projections F, DF.

Kahl shows that the undercut grooves on the. The rear grooves on the front are implemented on the corner shaped sections T1 and T3 and its angled front areas each have width across the corner that corresponds to the base width front of adjoining sections have a center distance that corresponds to a base width.

The base width has been considered a matter of choice dependent on the dimensions of the building into which the wall is incorporated.

The finishing plates are held by spring elements F1, F2 formed integrally with the plates. The finishing plates K have a profiling on the front.

The finishing plates K extend from one of the sections to the adjoining sections. See figure 4. The plates or sections are extruded from light alloy and provided with an anodized or chromate coating.

Claim 1.

Trousilek discloses a protective wall capable of being used (1) for shielding against laser beams, optionally including laser beams stemming from welding machines, but lacks the protective wall made of light-alloy shaped sections but the sections are essentially rectangular, and incorporates chambers formed by interior walls (2), and

profilings formed on a front and/or side thereof, wherein the sections are lined up and connected side wall to side wall in an individually removable manner to form the protective wall in such a way that the profiling on a side of the wall is implemented step-like from a front wall (21) to a back wall (22), thus permitting insertion and removal of each section in alternate directions perpendicular to a plane of extension defined by the front walls of the sections.

claim 2.

Trousilek discloses a protective wall, wherein the profiling on the side walls (17, 19) is implemented in each case behind hook-shaped strip projections (23, 24) matching the same, parallel in each case to side-wall grooves (27,28) into which the strip projections (23,24) of the adjoining side wall (17,19) engage in each case, and that the strip projections (23,24) with a respective associated groove are implemented laterally offset relative to one another on each side wall (17,19) in a step-like manner from the front wall (21) to the back wall (22) so that on the individual shaped sections front strip projections (23,24) are located alternately closer to one another than those on the back, and vice versa. See figure 6

claim 3.

Trousilek discloses a protective wall according to claim 2, wherein the hook-shaped strip projections (adj 27,28) that are spaced further apart extend flush into the front or back wall (21,22) and are hook shaped, and the given more closely spaced strip projections (23,24) are extensions of the side wall (17) or formed integral with the side

wall (17) as hook-shaped strip projections (23,24).

claim 4.

Trousilek discloses a protective wall according to claim 3, wherein the given more closely spaced strip projections (23,24) end recessed relative to the front or back wall (26, 27) by one material thickness (M), so that a flush front and back wall is created in each case. See figures 1.

Claim 19.

Trousilek discloses a protective wall comprising sections 16 which are essentially rectangular, and chambers formed by interior walls (2), and profilings formed on a front and/or side 21,22 thereof,

wherein the sections 16 are lined up and connected side wall to side wall in an individually removable manner to form the protective wall shown in figure 1 in such a way that the profiling on a side of the wall is implemented step-like from a front wall (21) to a back wall (22),

wherein the profiling on the side walls comprises parallel side wall grooves (27,28) into which the strip projections (23,24) of the adjoining side wall (22, 23) are configured to engage, wherein the strip projections with a respective associated groove are implemented laterally offset relative to one another on each side wall (17,19) in a step-like configuration from the front wall (21) to the back wall (22) so that on the individual shaped sections 16 so that one set of the strip projections 23,24 are located alternately closer to one another than the other set of strip projections adjacent 27,28.

claim 20.

Trousilek discloses a protective wall according to claim 19, wherein the hook-shaped strip projections adj 27, 28 that are spaced further apart extend flush into the front or back wall (21,22) and are hook shaped, and the given more closely spaced strip projections 23,24 are extensions of the side wall (17,19) or formed integral with the side wall (17,19) as hook-shaped strip projections (23,24).

claim 21.

Trousilek discloses Sections 16 for forming a protective wall, each section comprising a first wall 21 and a second wall 22, and side walls 17, 19 connecting said first and second walls to form substantially rectangular sections, a first group of said sections further comprising a plurality of parallel side-wall grooves, figure 1

Kahl discloses a first subset of said plurality of grooves are disposed adjacent to said first wall so as to be open in the direction facing the first wall, and a second subset of said plurality of grooves are disposed adjacent to said second wall so as to be open in the direction facing the second wall, and wherein said first subset of said plurality of grooves are located within the side walls forming said sections in said first group of sections, and said second subset of said grooves are located outside the side walls forming said sections in said first group of sections; and

A second section of group of sections further comprises r comprising a plurality of hook-shaped projections DF2/DF4etc. extending outwardly from the side walls forming said sections in said second group of sections,

Kahl discloses hook-shaped projections having a first arm extending outwardly and perpendicularly with respect to the side walls, and a second arm extending from an end of said first arm and parallel to the side walls, the first arm of a first subset of said hook-shaped projections being longer than the first arm of a second subset of said hook-shaped projections.

claim 22

Tousilek discloses a protective wall comprising a plurality of sections of claim 21, wherein alternate ones of said sections are connected to one another in alternate directions perpendicular to a plane of extension defined by the first and second walls of the sections by insertion of said plurality of hook-shaped projections 23,24 into corresponding ones of said plurality of grooves 27,28.

In view of the above, it would have been obvious to modify kahl to include the side grooves and projections as shown in applicants figure 1 in order to include mateable panels with interchangeable panels that are easily and quickly constructed by unskilled labor.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahl (6459718)(PCT Publication date May 25,2000) in view of Trousilek and Dohery et al (6658808) and further in view of Davis (6295783). Kahl lacks shaped sections having different widths 2x4 and 4x4 each of which are whole number multiples of one base 10A. It would have been obvious to include the different width sections in order to fashion a greater number of wall dimensions as shown by Davis. The wall thickness has been considered a matter of choice. One of ordinary skill in the art would have

appreciated making the thickness of any known dimensions accommodating the wall sections use and function.

Claim 7 is objected to as depending upon a rejected base claim but would be considered allowable if amended to include the base claim and any intervening claims. Applicants arguments are moot in view of the new ground of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 703-308-1310. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached at 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JEANETTE CHAPMAN/
PRIMARY PATENT EXAMINER
ART UNIT 3633

jec